

**FAX TRANSMISSION****RECEIVED  
CENTRAL FAX CENTER****JUN 12 2006****DATE:** June 12, 2006**PTO IDENTIFIER:** Application Number 10/815,290-Conf. #8336  
Patent Number**Inventor:** Hadley et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** PERKINS COIE LLP

Paul T. Parker

**PHONE:** (206) 359-8000**Attorney Dkt. #:** 330498004US**PAGES (Including Cover Sheet):** 3**CONTENTS:** Terminal Disclaimer (1 page)  
Charge \$130.00 to deposit account 50-0665  
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (206) 359-8000 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

PERKINS COIE LLP  
P.O. Box 1247, Seattle, Washington 98111-1247  
Telephone: (206) 359-8000 Facsimile: (206) 359-7198

RECEIVED  
CENTRAL FAX CENTER  
JUN. 12 2006

PTO/SB/25(10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) 330498004US
--	---

In re Application of: Hadley et al.

Application No.: 10/815,290-Conf. #8336

Filed: March 30, 2004

For: METHODS FOR QUANTIFYING THE MORPHOLOGY AND AMPLITUDE OF CARDIAC  
ACTION POTENTIAL ALTERNANS

The owner\*, Cardiac Science Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/815,910, filed on March 30, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent, granted on the pending reference application, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 38,264

P.T. Parker  
Signature \_\_\_\_\_ Date June 12, 2006

Paul T. Parker  
Typed or printed name \_\_\_\_\_

(206) 359-8000  
Telephone Number \_\_\_\_\_

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-6300, on the date shown below.

Dated: June 12, 2006 Signature: Stephen P. Whelan (Stephen P. Whelan)

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 10/815,290

Attorney Docket No.: 330498004US

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on June 12, 2006  
DateStephen P. Whelan  
SignatureStephen P. Whelan

Typed or printed name of person signing Certificate

Registration Number, if applicable

(206) 359-3209

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Terminal Disclaimer (1 page)  
Charge \$130.00 to deposit account 50-0665